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4 FRANK RAMIREZ,  
5 Petitioner,  
6 v.  
7 DEAN BORDERS,  
8 Respondent.

9 Case No. 19-cv-04212-HSG  
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13 **ORDER OF DISMISSAL**

14 Petitioner, an inmate at California Institute for Men, filed an application in the Ninth  
15 Circuit Court of Appeals to file a second or successive 28 U.S.C. § 2254 petition in this Court.  
16 See Dkt. No. 1. On July 18, 2019, the Ninth Circuit denied the application as unnecessary on the  
17 grounds that petitioner is challenging the denial of a petition for resentencing, and such challenge  
18 may be filed without obtaining prior authorization. *Id.* The Ninth Circuit transferred the  
19 application to this Court to be processed as a section 2254 petition, and the Court docketed it as  
20 such on July 23, 2019. *Id.* That same day, the Clerk of the Court informed petitioner that this  
21 action was deficient because he had not paid the \$5 filing fee or submitted a complete *in forma*  
22 *pauperis* application. Dkt. No. 2. Petitioner was instructed to respond by August 30, 2019. Dkt.  
23 No. 2. The deadline has passed, and petitioner has neither paid the filing fee nor submitted a  
24 completed *in forma pauperis* application. Nor has petitioner otherwise communicated with the  
25 Court.

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1           The Court therefore DISMISSES this action without prejudice. Because this dismissal is  
2 without prejudice, petitioner may move to reopen this action. Any such motion must be  
3 accompanied by either the filing fee or a complete *in forma pauperis* application. The Clerk shall  
4 enter judgment and close the file.

5           **IT IS SO ORDERED.**

6           Dated: 9/23/2019

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8           HAYWOOD S. GILLIAM, JR.  
9           United States District Judge

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